

1 TIMOTHY S. CORY, ESQ.
Nevada Bar No. 1972

ECF FILED 4/19/2013

2 JESSICA G. PETERSON, ESQ.
Nevada Bar No. 11243

3 **DURHAM JONES & PINEGAR**
10785 West Twain Avenue, Suite 200
Las Vegas, Nevada 89135
4 Telephone: (702) 870-6060
Telephone: (801) 415-3000
5 Attorneys for Trustee

6 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

7 In re:

8 RONALD JAMES DAY,
Debtor.

Bankruptcy Case Number

09-13408 LBR

Chapter 7

Hearing Date: May 23, 2013

Hearing Time: 11:00 a.m.

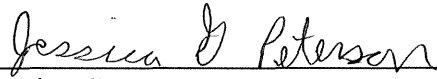
Est. Length of Hearing: 5 minutes

11 **TRUSTEE'S MOTION FOR ORDER AUTHORIZING SALE OF JUDGMENT**
12 **SUBJECT TO HIGHER AND BETTER OFFERS**

13 Timothy S. Cory, trustee of the estate of the above-named debtor ("Trustee"), by and through
14 his counsel, hereby moves this Court for an order permitting the Trustee to sell the Judgment against
15 Wright House Investments, Inc. ("Judgment") to John Ross Enterprises, LLC, c/o Christopher Olson-
16 Wolfe, President, 405 Foster Springs Road, Las Vegas, NV 89148. A copy of the Judgment is
17 attached hereto as **Exhibit A**. The Judgment is to be sold free and clear of any interests or liens and
18 with the understanding that no guarantees or indemnification will be given by the Trustee. The face
19 value of the Judgment is 339,804.43 but the current value of the Judgment is \$37,108.34, because the
20 Trustee has been able to execute on assets of Wright House Investments, Inc., such that the Judgment
21 has been reduced accordingly. See an accounting of the Judgment, attached as **Exhibit B**. This
22 Motion is supported by the attached memorandum of points and authorities.

1 Wherefore, the Trustee respectfully requests that this Court grant an order authorizing the
2 Trustee to sell the Judgment.

3 Dated this 19 of April 2013.

4 
5 Jessica G. Peterson
6 Durham Jones & Pinegar
7 Attorneys for Trustee

8 **MEMORANDUM IN SUPPORT**

9 1. Ronald James Day (the “Debtor”) filed a voluntary petition in bankruptcy on March 12,
10 2009.

11 2. On August 3, 2009, the Trustee filed a Complaint against Wright House Investments,
12 Inc. (“Wright House”), adversary proceeding number 09-01212. The Trustee sought to avoid and
13 recover unauthorized transfers under either a preference or fraudulent transfer theory. The Trustee
14 obtained the Judgment which was entered on October 23, 2009. *See* Exhibit A.

15 3. After obtaining the Judgment, the Trustee proceeded to collect on the Judgment by
16 conducting further discovery of Wright House, and selling a number of assets of the Debtor.

17 4. As of the filing date, the balance remaining on the Judgment is \$37,108.34. *See*
18 Exhibit B.

19 **THE SALE**

20 5. The Trustee has conducted extensive discovery of Wright House, and has sued
21 multiple parties to recover the assets that the Debtor transferred to Wright House. *See generally*
22 Bankruptcy Docket for 09-01212, *Cory v. Wright House Investments, Inc.* The Trustee has conducted
23 2004 examinations of all of the parties involved in Wright House. *See generally* Bankruptcy Docket
24 for 09-13408-lbr. The Trustee has recovered all of the assets of which the Trustee is aware related to

1 the Judgment. The Trustee has successfully reduced the Judgment from \$339,804.43 to \$37,108.34.

2 *See* Exhibits A and B.

3 6. The Trustee therefore requests that a sale of the Judgment be held. The Trustee has
4 found an interested buyer, John Ross Enterprises, LLC, c/o Christopher Olson-Wolfe, President, 405
5 Foster Springs Road, Las Vegas, NV 89148.

6 7. John Ross Enterprises, LLC, has offered \$2,000 to purchase the Judgment. The
7 Trustee believes that this amount is fair and in the best interests of the bankruptcy estate.

8 **SALE PROCEDURES**

9 8. The sale contemplated by this Motion is an arms-length transaction which has been
10 negotiated by the parties in good faith.

11 9. This offer of \$2,000.00 is subject to higher and better offers until the hearing on this
12 Motion.

13 **EFFECT OF JUDGMENT PURCHASE**

14 10. The successful party who purchases the Judgment will obtain all rights under federal
15 and state laws to collect the Judgment up to the remaining value of the Judgment of \$37,108.34

16 **NOTICE OF SALE**

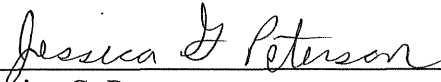
17 11. Notice of this sale is being given to all creditors and parties in interest as set forth on
18 the matrix in this case.

19 12. If other creditors or parties in interest desire to purchase the Judgment, they should
20 contact Trustee's counsel, Jessica G. Peterson, at Durham Jones & Pinegar, at the address listed at the
21 beginning of this Motion.

CONCLUSION

Wherefore, the Trustee respectfully requests that this Court enter an order authorizing the Trustee to sell the Judgment to John Ross Enterprises, LLC, for \$2,000.

Dated this 19 of April, 2013.



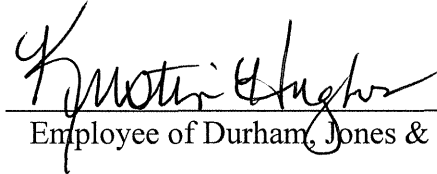
Jessica G. Peterson
Durham Jones & Pinegar
Attorneys for Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing **TRUSTEE'S MOTION FOR ORDER AUTHORIZING SALE OF JUDGMENT SUBJECT TO HIGHER AND BETTER OFFERS** was served this 19th day of April, 2013, via regular U.S. mail, postage prepaid upon all parties appearing on the attached matrix and to the following:

United States Bankruptcy Court
Judge Riegler's Courtesy Copy
300 Las Vegas Blvd. South
Las Vegas, NV 89101

John Ross Enterprises, LLC
Christopher Olson-Wolfe, President
405 Foster Springs Road
Las Vegas, NV 89148


Employee of Durham, Jones & Pinegar

Label Matrix for local noticing
0978-2
Case 09-13408-lbr
District of Nevada
Las Vegas
Fri Apr 19 12:24:17 PDT 2013

DURHAM, JONES & PINEGAR
10785 West Twain Avenue, Suite 200
Las Vegas, NV 89135-3028

United States Bankruptcy Court
300 Las Vegas Blvd., South
Las Vegas, NV 89101-5833

Amber Hills Hoa Ii, Llc
2310 Paseo Del Prado
A-106
Las Vegas NV 89102-4329

Bank Of Nevada
2700 W. Sahara Avenue
Las Vegas NV 89102-1712

Centennial Lamb Second Irrevocable Business
c/o Aspen Financial Services
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117-7921

Dynamic Recovery Services
4101 Mcewen Drive
Suite 150
Farmers Branch TX 75244-5109

Horizon Hills Hoa-annett
Llcl
1830 E. Sahara Avenue
Las Vegas NV 89104-3737

Milano Residences, Llc
9510 W. Sahara Avenue
Las Vegas NV 89117-8813

Pengilly Robins Slater
10080 W. Alia Drive
Suite 140
Las Vegas NV 89145

BANK OF NEVADA
2700 WEST SAHARA AVENUE
LAS VEGAS, NV 89102-1712

THE VANMEETREN FAMILY LIMITED PARTNERSHIP
5685 South Cameron
Las Vegas, NV 89118-2204

AMERICAN ARBITRATION ASSOCIATION
1633 BROADWAY, 10TH FLOOR
NEW YORK, NY 10019-6772

Aspen Financial, Llc
7900 W. Flamingo Road
Suite 200
Las Vegas NV 89147

CHARLES L. RUTHE,
TRUSTEE OF THE CHARLES L. RUTHE TRUST
7219 W. SAHARA AVE., STE. 105
LAS VEGAS, NV 89117-2852

City National Bank
400 N. Roxbury Drive
Beverly Hills CA 90210-5000

FRANK E. GRANIERI, TRUSTEE OF THE FRANK E.
GRANIERI REVOCABLE LIVING TRUST
7219 W SAHARA AVE., STE. 105
LAS VEGAS, NV 89117-2852

Icw Group Insurance
Services
11455 El Camino Real
San Diego CA 92130-2045

Omega Development Second Irrevocable Busines
c/o Aspen Financial Services
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117-7921

Peri Formwork Systems, Inc
7135 Dorsey Run Road
Elkridge MD 21075-6884

CORPORATION SERVICE COMPANY
2711 CENTERVILLE ROAD
WILMINGTON, DE 19808-1646

THE VANMEETREN FAMILY LIMITED PARTNERSHIP
DOBBBERSTEIN & ASSOCIATES
C/O ERIC DOBBBERSTEIN
1339 GALLERIA DRIVE
SUITE 201
HENDERSON, NV 89014

APACHE HILLS HOMEOWNERS ASSN
PO BOX 97512
LAS VEGAS NV 89193-7512

Aspen Financial, Llc
7900 W. Sahara Avenue
Suite 200
Las Vegas NV 89117-7921

Centennial Lamb Second Irrev. Business Trust
c/o Aspen Financial Services
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117-7921

Complete Contractor
Services
3140 S. Rainbow Blvd.
Suite 401
Las Vegas NV 89146-6234

Horizon Hills Hoa Annett,
Llc2
1830 E. Sahara Avenue
Las Vegas NV 89104-3737

Leonard Mardian
9510 W. Sahara Avenue
Las Vegas NV 89117-8813

Pago Pago, Inc
8346 Mr. Nido Drive
Las Vegas NV 89147

RICHARD F. ACOVINO IRREVOCABLE TRUST
DATED APRIL 11, 1997
7219 W. SAHARA AVE., STE. 105
LAS VEGAS, NV 89117-2852

Silver State Bank
Po Box 990
Las Vegas NV 89125-0990

Square i, Inc
3800 Howard Hughes Pkwy
16th Floor
Las Vegas NV 89169-5910

Susan Mardian
9510 W. Sahara Avenue
Las Vegas NV 89117-8813

THE ROGERS-BARNETT FAMILY TRUST, DTD 11/28/0
P.O. BOX 577
WASHINGTON, UT 84780-0577

The VanMeetren Family Limited Partnership
c/o Dobberstein & Associates
8965 S. Eastern Avenue, Suite 280
Las Vegas, NV 89123-4898

U.S. TRUSTEE - LV - 7
300 LAS VEGAS BOULEVARD, SO.
SUITE 4300
LAS VEGAS, NV 89101-5803

Van Meetren Family Ltd.
Partne
2 Anthem Pointe
Henderson NV 89052-6605

Vincent Panetta
75 Rotella Drive
Las Vegas NV 89147

WAYNE A. GUINN
TRUSTEE OF THE WAYNE A. GUINN TRUST
DTD 3/24/93
150 E WASHINGTON AVE.
TULARE, CA 93274-1478

WAYNE A. GUINN
TRUSTEE OF THE WAYNE A. GUINN TRUST,
DTD 3/24/93
150 E WASHINGTON AVENUE
TULARE, CA 93274-1478

DUANE H. GILLMAN
Durham Jones & Pinegar
111 East Broadway, Suite 900
PO Box 1050
Salt Lake City, UT 84111-5235

RONALD JAMES DAY
9360 W. FLAMINGO RD 110-357
LAS VEGAS, NV 89147-6410

TIMOTHY S CORY
10785 W Twain
Suite 200
LAS VEGAS, NV 89135-3028

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)JAMES L. DUNN & DUNN PROPERTIES, LTD.

(d)Centennial Lamb Second Irrev. Business Tru
c/o Aspen Financial Services
7900 W. Sahara Ave., Ste. 200
Las Vegas, NV 89117-7921

(u)JAMES L. DUNN
DUNN PROPERTIES, LTD.

(u)STAN PACK

End of Label Matrix
Mailable recipients 42
Bypassed recipients 4
Total 46

EXHIBIT A



Entered on Docket
October 23, 2009

Hon. Linda B. Riegler
United States Bankruptcy Judge

TIMOTHY S. CORY, ESQ.
Nevada Bar No. 1972
MICHAEL F. THOMSON, ESQ.
Nevada Bar No. 7541
JESSICA G. PETERSON, ESQ.
Nevada Bar No. 11243

DURHAM JONES & PINEGAR

8831 W. Sahara Avenue

Las Vegas, NV 89117

Telephone No. (702) 388-1996

Attorneys for Plaintiff/Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:)	Bankruptcy Case No.
RONALD JAMES DAY)	BK-S-09-13408-LBR
Debtor.)	Chapter 7
)		
TIMOTHY S. CORY, Chapter 7 Trustee for the)	Adversary Proceeding No.
estate of Ronald James Day,)	09-1212
Plaintiff,)	
v.)	
WRIGHT HOUSE INVESTMENTS, INC., a)	HEARING DATE: October 21, 2009
Nevada corporation,)	HEARING TIME: 1:30 p.m.
Defendant.)	

DEFAULT JUDGMENT

1 The Application for Entry of Default Judgment ("Application") came on for hearing before
2 this Court on October 21, 2009, at 1:30 p.m., the Honorable Linda B. Riegle, United States
3 Bankruptcy Judge, presiding. Appearances were noted on the record. The Court, having reviewed
4 the Application and related pleadings, and having heard the statements of counsel at the hearing,
5 entered its findings of fact and conclusions of law on the record. Based on such findings and
6 conclusions, which are incorporated herein by reference, it is hereby

7
8 ORDERED that a Default Judgment is hereby entered against the Defendant, Wright House
9 Investments, Inc. ("Defendant"), and in favor of the Plaintiff, Timothy S. Cory, trustee of the Chapter
10 7 bankruptcy estate of Ronald James Day ("Trustee"), as follows:

11 1. The Four (4) quitclaim deeds dated March 4, 2009 and recorded March 9, 2009,
12 conveying four (4) separate condominiums and real property belonging to Debtor to the Defendant,
13 and the transfers of \$339,804.43 in cashiers checks from the Debtor which were deposited by the
14 Defendant in two separate transactions on February 26, 2009 and March 11, 2009 (collectively, the
15 "Transfers"), are hereby avoided pursuant to 11 U.S.C. § 547 and/or 11 U.S.C. § 548;

16 2. Judgment is hereby entered against the Defendant, and in favor of the Trustee, in the
17 amount of \$339,804.43, and said judgment amount shall bear interest at the legal judgment rate until
18 satisfied; and

19 3. Judgment is hereby entered in favor of the Trustee, adjudging that the Trustee is the
20 owner of the following property:

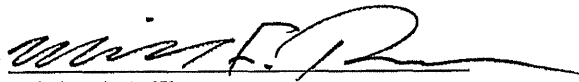
21 a. The real property situated in the County of Clark, State of Nevada, more
22 particularly described as follows: AMBER HILLS 2-B, PLAT BOOK 114 PAGE 41, UNIT
23 270 BLDG 18 (APN: 163-30-519-142);
24

1 b. The real property situated in the County of Clark, State of Nevada, more
2 particularly described as follows: AMBER HILLS 2-B, PLAT BOOK 114 PAGE 41, UNIT
3 173 BLDG 19 (APN: 163-30-519-145);

4 c. The real property situated in the County of Clark, State of Nevada, more
5 particularly described as follows: APACHE HILLS, PLAT BOOK 112 PAGE 17, UNIT 108
6 BLDG 2 (APN: 176-05-219-012); and

7 d. The real property situated in the County of Clark, State of Nevada, more
8 particularly described as follows: APACHE HILLS, PLAT BOOK 112 PAGE 17, UNIT 139
9 BLDG 10 (APN: 176-05-219-075).
10

11
12 Respectfully submitted by:

13 

14 Michael F. Thomson
15 DURHAM JONES & PINEGAR
16 Attorneys for Plaintiff/Trustee
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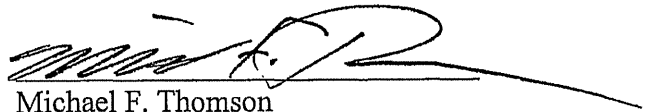
1 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

2 ☐ The court has waived the requirement of approval under LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
5 unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each
6 has approved or disapproved the order, or failed to respond, as indicated below [list each party and
whether the party has approved, disapproved, or failed to respond to the document]:

7 Timothy S. Cory, Trustee – Approved

8
9 

10 Michael F. Thomson
11 Durham Jones & Pinegar
Attorneys for Plaintiff/Trustee

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13 ###
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EXHIBIT B

PRINCIPAL AMOUNT: \$339,804.43
PMTS MONTHLY AMT:
INT RATE SIMPLE: 0.36%
Daily Int Rate: 3.350000

MONTH/YR	NUMBER DAYS	INTEREST	ACCUMULATED BALANCE
10/23/09			\$339,804.43
Oct-09	8	26.80	\$339,831.23
Nov-09	30	100.50	\$339,931.73
Dec-09	31	103.85	\$340,035.58
Jan-10	31	103.85	\$340,139.43
Feb-10	28	93.80	\$340,233.23
Mar-10	31	103.85	\$340,337.08
Apr-10	30	100.50	\$340,437.58
May-10	31	103.85	\$340,541.43
Jun-10	30	100.50	\$340,641.93
Jul-10	31	103.85	\$340,745.78
Aug-10	31	103.85	\$340,849.63
Sep-10	30	100.50	\$340,950.13
Oct-10	31	103.85	\$341,053.98
Nov-10	30	100.50	\$341,154.48
Dec-10	31	103.85	\$341,258.33
Jan-11	31	103.85	\$341,362.18
Feb-11	28	93.80	\$341,455.98
Mar-11	31	103.85	\$341,559.83
Apr-11	30	100.50	\$341,660.33
May-11	31	103.85	\$341,764.18
Jun-11	30	100.50	\$341,864.68
Jul-11	31	103.85	\$341,968.53
Aug-11	31	103.85	\$342,072.38
Sep-11	30	100.50	\$342,172.88
Oct-11	31	103.85	\$342,276.73
Nov-11	30	100.50	\$342,377.23
Dec-11	31	103.85	\$342,481.08
Jan-12	31	103.85	\$342,584.93
Feb-12	29	97.15	\$342,682.08
Mar-12	31	103.85	\$342,785.93
Apr-12	30	100.50	\$342,886.43
May-12	31	103.85	\$342,990.28
Jun-12	30	100.50	\$343,090.78
Jul-12	31	103.85	\$343,194.63
Aug-12	31	103.85	\$343,298.48
Sep-12	30	100.50	\$343,398.98
Oct-12	31	103.85	\$343,502.83
Nov-12	30	100.50	\$343,603.33
Dec-12	31	103.85	\$343,707.18
Jan-13	31	103.85	\$343,811.03
Feb-13	28	93.80	\$343,904.83
Mar-13	31	103.85	\$344,008.68
Apr-13	30	100.50	\$344,109.18
May-13	31	103.85	\$344,213.03
		<u>\$4,408.60</u>	<u>\$344,213.03</u>

Less Bank Funds Received	1/7/2010	42,873.62
Less Funds Received	3/25/2010	5,675.56
Less Cactus/Welch Adv. Stlmt.	7/8/2010	15,000.00
Less Sale of Property	10/18/2010	150,008.54
Less Bkrtcy 300 Adv. Garnishment	1/24/2011	96.47
Less Braziel Adv. Stlmt.	4/19/2011	35,000.00
Less Cactus/Schwartz Adv. Stlmt.	12/5/2011	30,000.00
Less Sale of Property	6/13/2012	28,450.50
	<u>Total Receipts</u>	<u>307,104.69</u>

Total Judgment due: \$37,108.34